

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Fair Isaac Corporation; and myFICO)
Consumer Services, Inc.;)
)
Plaintiffs,)
)
v.)
)
Experian Information Solutions, Inc.;) Civil Action No:
Trans Union LLC; VantageScore) 0:06-cv-04112 (ADM/JSM)
Solutions, LLC; and Does I through X;)
)
Defendants.)
)

**DECLARATION OF MEGHAN McCURDY IN SUPPORT OF
DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE EXPERT
TESTIMONY OF JAMES T. BERGER REGARDING HIS SURVEYS**

I, MEGHAN McCURDY, declare as follows:

1. I am an associate with White & Case LLP, counsel for Experian Information Solutions, Inc. ("Experian") in this matter. I submit this declaration in support of Experian's Motion *In Limine* to Exclude Expert Testimony of James T. Berger Regarding His Surveys. I have personal knowledge of the facts contained herein.

2. Attached hereto as Exhibit A is a true and correct copy of the Research Report of James T. Berger, dated August 25, 2008, served on Defendants in the above-captioned action.

3. Attached hereto as Exhibit B is a true and correct copy of relevant excerpts from the transcript of the deposition of James T. Berger taken on December 17, 2008.

4. Attached hereto as Exhibit C is a true and correct copy of relevant excerpts from the Expert Report of Jacob Jacoby, Ph.D., dated October 27, 2008, served by Defendants in the above-captioned action..

5. Attached hereto as Exhibit D is a true and correct copy of the Expert Rebuttal Report of James T. Berger Regarding Expert Report of Jacob Jacoby, dated November 21, 2008, served on Defendants in the above-captioned action.

6. Attached hereto as Exhibit E is a true and correct copy of the Report of James T. Berger, dated September 1, 2004, filed in the action entitled *Vista Food Exchange, Inc. v. Vistar Corp.*, No. 03-CV-5203 (E.D.N.Y. 2005).

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 21, 2009, at New York, New York.

/s/ Meghan McCurdy

Meghan McCurdy